

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 16-00440 WHA

Plaintiff,

v.

**ORDER DENYING MOTION
FOR LEAVE TO FILE
FOR RECONSIDERATION**

YEVGENIY ALEKSANDROVICH
NIKULIN,

Defendant.

A September 5 order denied defendant Yevgeniy Nikulin's administrative motion to file under seal defendant's response to the undersigned's August 24 order (Dkt. No. 61). Defendant now moves for leave to file a motion for reconsideration of the September 5 order (Dkt. No. 62). In particular, defendant seeks to seal a stipulated settlement and disciplinary order entered into between Dr. Alexander Grinberg and the Medical Board of California. Defendant's arguments in favor of sealing this document lack merit.

First, defendant cites nothing to support his assertion that the stipulated settlement is "highly confidential and privileged." Indeed, the document is publicly available on the Medical Board of California's website. For this same reason, defendant's argument that disclosure of this document will dissuade future such stipulated settlements is meritless.

Second, defendant argues FRE 408 supports sealing of this document. FRE 408 makes evidence of the settlement of claims inadmissible "to prove or disprove the validity or amount


1 of a disputed claim or to impeach by a prior inconsistent statement or a contradiction.” The rule
2 is wholly irrelevant to the standard for sealing materials in these proceedings.

3 *Third*, defendant argues that publicly filing the stipulated settlement will disclose the
4 personally identifiable information of Dr. Grinberg’s patients. Not so. As defendant
5 acknowledges, the patients’ names are already redacted. Moreover, as discussed above, this
6 document is already publicly available on the California Medical Board’s website.

7 Defendant’s motion for leave to file for reconsideration is accordingly **DENIED**.
8 Defendant shall file his response to the August 24 order on the public docket unless emergency
9 relief is obtained from our court of appeals by **OCTOBER 10 AT NOON**.

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11 **IT IS SO ORDERED.**

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13 Dated: October 3, 2018.

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16 WILLIAM ALSUP
17 UNITED STATES DISTRICT JUDGE
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